

REMARKS

The present application was filed on April 16, 2004 with claims 1 through 20. Claims 1 through 20 are presently pending in the above-identified patent application.

In the Office Action, the Examiner rejected claims 1, 6, 14, 19 and 20 under 35 U.S.C. §102(e) as being anticipated by Combs et al. (United States Number 7,190,903). Claims 2-5, 7, 8 and 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 9-13 are allowed.

Independent Claims 1, 6 and 14

Independent claims 1, 6 and 14 were rejected under 35 U.S.C. §102(e) as being anticipated by Combs et al. With respect to claims 1, 6 and 14, the Examiner asserts that Combs discloses a method for communicating in a time-domain wavelength interleaved network having a hub node (Mux, FIG. 1), and transmitting substantially all communications through the hub node (Mux, FIG. 1), without changing a wavelength of said communications at said hub node (FIGS. 1 and 4; col. 5, lines 35-45).

In the network environment of Combs (FIG. 1), communications between the head-end 102 and each end-user 112 are sent via a mux node, such as mux node 104. As clearly shown in FIG. 1, the network environment of Combs clearly contemplates a *plurality* of such mux nodes 104, 106, in order to reduce the load on the head end. See, col. 5, lines 43-44. Thus, substantially all communications (are *not* transmitted) through **said** hub node, as required by each independent claim. Rather, Combs transmits traffic through a plurality of Mux nodes (Fig. 1), each one associated with a different set of end-users. Thus, no Mux node in Combs transmits "substantially all communications."

In addition, Combs does not disclose or suggest that "substantially all communications (are transmitted) through said hub node *without changing a wavelength of said communications* at said hub node. The Examiner does not seem to have addressed this limitation in the rejection. In the passage referenced by the Examiner (col. 5, lines 35-45), there is a discussion of the mux-node 104 106 routing the communication signal *directly* to the destination end-user 112. This passage, however, clearly conveys that the word "directly" is meant to convey "without forwarding the communication signal to the head-end 102."

If the Examiner alleges that Combs discloses or suggests that "substantially all communications (are transmitted) through said hub node *without changing a wavelength of said*

communications at said hub node, Applicants request that the Examiner identifies such passage(s). Applicants can find no such disclosure in Combs.

Applicants submit that *substantially all* communications in the time-domain wavelength interleaved network do not pass through **the** hub node without changing a wavelength of said communications at said hub node, as required by each independent claim

Applicants respectfully request the withdrawal of the rejection of independent claims 1, 6 and 14

Dependent Claims

Claims 2-5, 7-8 and 15-20 are dependent on independent claims 1, 6 and 14, and are therefore patentably distinguished over Combs because of their dependency from independent claims 1, 6 and 14 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

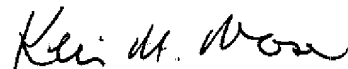
Conclusion

All of the pending claims following entry of the amendments, i.e., claims 1-20, are in condition for allowance and such favorable action is earnestly solicited. The Examiner has already indicated that Claims 2-5, 7, 8 and 15-18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and that Claims 9-13 are allowed

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated

Respectfully submitted,



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